

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DWAYNE B., a minor, by his
Next Friend, John Stempfle, et al,
for themselves and others
similarly situated,

Plaintiffs,

v.

Hon. Nancy G. Edmunds

No. 06-CV-13548

GRETCHEN WHITMER, in her official
capacity as Governor of the
State of Michigan, et al,

Defendants.

/

STATUS CONFERENCE and MONITOR'S REPORT
via Zoom Videoconference
Detroit, Michigan - Tuesday, November 10, 2020

APPEARANCES:

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On behalf of Plaintiffs

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ALSO PRESENT:

Director of MDHHS, Robert Gordon, Senior Deputy Director of Children's Services Agency, JooYeun Chang, Erin McGuinness, Monitors Kevin Ryan, Eileen Crummy

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3 10:43 a.m.

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6 LAW CLERK: Court calls the case of Dwayne B.
7 vs. Whitmer, case number 06-13548.

8 Counsel, state your appearances for the record.

9 MS. DRYSDALE-CROWN: Assistant Attorney General
10 Cassandra Drysdale-Crown, and I'm joined today with
11 Assistant Attorney General Neil Giovanatti. I will be the
12 lead on this, and we represent the state defendants.

16 MS. DRYSDALE-CROWN: Yes, Director Gordon is
17 here with me, as well as Director Chang, who is the
18 executive director for the children's services.

19 THE COURT: Okay. Thank you. Ms. Gretter?

20 MS. GRETTER: Yes. Good morning, Your Honor.

21 My name is Elizabeth Gretter. I'm an attorney with
22 Children's Rights, here on behalf of the plaintiffs. With
23 me today are my colleagues Erin McGuinness, Samantha Bartosz
24 who unfortunately can't be seen, as well as our team
25 paralegal, Makenna Mugambi.

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1 THE COURT: Thank you, Ms. Gretter.

2 And Mr. Ryan, would you like to introduce
3 yourself and Mr. Crummy, please?

4 MR. RYAN: Kevin Ryan, monitor for the court in
5 this matter.

6 MS. CRUMMY: Eileen Crummy, monitor for the
7 Court as well.

8 THE COURT: Thank you very much. So this is a
9 report on Period 17, which is the session which covers the
10 latter part of 2019, am I correct, Mr. Ryan?

11 MR. RYAN: Yes, Your Honor.

12 THE COURT: Okay. Do you want to begin, please,
13 and give us a summary of the report? Ms. Crummy can
14 participate as well, and then we can hear from both
15 plaintiff and defendant.

16 MR. RYAN: Thank you, Your Honor.

17 We're submitting to the United States District
18 Court for the Eastern District of Michigan the 14th report
19 in the matter of Dwayne B vs. Whitmer. This report covers
20 the first period of performance by the Michigan Department
21 of Health and Human Services under Governor Whitmer's
22 administration, led by DHHS Director Robert Gordon and the
23 senior deputy director of DHHS' Children's Service Agency,
24 JooYeun Chang.

25 This report to the Court reflects the efforts of

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1 agency leadership and the status of Michigan's reform
2 efforts as of December 31st, 2019. This is, as you said,
3 defined as Period 17 under the Michigan Implementation,
4 Sustainability and Exit Plan, or MISEP for short. This
5 report includes progress for the second half of 2019, and
6 predates the onset of COVID 19 in the United States.

7 This is the first monitoring report issued since
8 the ISEP 12 and ISEP 13 report covering calendar year 2017
9 due to changes in administration and ongoing negotiations
10 between the parties. As no report was issued covering the
11 agency's performance for 2018 and the first half of 2019,
12 validated performance for these periods is included in
13 Appendices C and D of the report that we are filing this
14 morning with the court.

15 Director Gordon and Senior Deputy Director Chang
16 have been deeply engaged in this work. They lead a strong
17 senior management team that possesses the talent and the
18 experience to address longstanding problems in the Michigan
19 child welfare system. The early evidence of their
20 turnaround work includes substantial improvements to the
21 operations of centralized intake thanks principally to Jen
22 Wrayno and the PCU team, and marked improvements in the
23 quality of the state's data production, thanks to both the
24 quality assurance team and the data team.

25 Among the areas where the agency has already

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1 achieved high levels of performance, the agency demonstrated
2 a strong commitment to worker-child visits during the
3 period, including children being visited by a caseworker at
4 their placement location at least once per month during the
5 child's first two months of placement. The agency also
6 excelled by ensuring that at least one caseworker-child
7 visit per month included a private meeting during the
8 child's first two months of placement in an initial or new
9 placement.

10 MS. CRUMMY: Good morning, Your Honor.

11 In addition, at the conclusion of period 17, the
12 monitoring team identified several commitments eligible for
13 movement based on DHHS' strong performance during the
14 period. The MISEP allows that once DHHS has satisfied the
15 designated performance standard for certain commitments at
16 the end of one reporting period as validated by the
17 monitors, the commitment is eligible to be moved to Section
18 5 of the MISEP To Be Maintained.

19 Five commitments meet these criteria. Maximum
20 Children in a Foster Home, Section 6.7; CPS Investigations
21 and Screening, PCU, Section 6.12(b); Supervisory Oversight,
22 Section 6.16; and Support for Transitioning to Adulthood,
23 Medicaid Access, section 6.36(b). And the monitors
24 recommend to the Court and to the parties that these
25 provisions be moved to To Be Maintained.

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5 Oversight. DHHS' contract evaluations of CCIs
6 and private CPAs providing placements and services to
7 plaintiffs in numerous instances did not ensure the safety
8 and wellbeing of the plaintiffs. DHHS developed and
9 submitted a corrective action plan addressing this area
10 which is described in our report and which we will monitor
11 for the Court.

12 Parent-Worker Visitation. Although caseworkers
13 are expected to visit parents of children with a goal of
14 reunification at least once in the parents' home during the
15 first month of placement, the reality is those visits
16 occurred less than half the time during this period.

17 Child Permanency. The data reflect that 1,758
18 children, 26.6 percent, exited state custody to permanency
19 within 12 months of their entry into care. However, to meet
20 the performance standard of children's exits to permanency
21 within 12 months of entry to care, DHHS should have achieved
22 timely permanency for an additional 919 children.

23 Maltreatment in Care. DHHS was not able to
24 produce accurate maltreatment in care data from MISEP 17 and
25 must do so in order to understand and improve children's

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1 experience of safety in care. As we said in most other
2 aspects, however, DHHS' data submissions improved markedly
3 from past periods.

4 In conclusion, there have been important strides
5 made by the new management team even as serious gaps and
6 risk to children's wellbeing and safety remain. Those risks
7 certainly grew more pronounced in 2020 as COVID-19 struck
8 Michigan. We have witnessed the focused, thoughtful effort
9 underway in Michigan to address longstanding issues at the
10 heart of this litigation, and we look forward to continuing
11 to validate and report to the Court evidence of the State's
12 performance to comply.

13 Thank you, Your Honor.

14 THE COURT: Thank you, Ms. Crummy.

15 Ms. Gretter, would you like to go next on behalf
16 of the plaintiffs?

17 MS. GRETTER: Sure. Thank you. Good morning,
18 everybody. Elizabeth Gretter from Children's Rights on
19 behalf of the plaintiffs. We are grateful for everyone's
20 time this morning, and we are glad to be here placing focus
21 on Michigan's children and the status of the state's
22 progress under the MISEP.

23 First, we want to express our gratitude for the
24 continued effort and diligence of the monitoring team. We
25 know that this is difficult work, and we are grateful. We

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1 also note the particular pressure that the current
2 administration, including Director Gordon and Deputy
3 Director Chang are under during this unprecedented time of
4 pandemic, and we are encouraged by the focus, the energy and
5 the transparency that we have seen from this administration.
6 We are engaging in ongoing dialogue with the state about the
7 impacts of COVID on the implementation of the MISEP, and
8 will continue to do so as they do that difficult work.

9 With respect to the progress made during this
10 period by the state, plaintiffs were pleased to see
11 improvements in the area of caseloads for many DHHS workers.
12 We know that right-sized caseloads have an immediate benefit
13 to kids and to the system as a whole, and I think we've seen
14 this in the strong worker-child visitation numbers which we
15 are also very pleased to see. We hope that those
16 improvements can be maintained, and then also carried over
17 into the adoption worker units so that the children awaiting
18 adoption can experience the same benefits as well.

19 We were pleased to see and learn of improvements
20 in data quality, which we know has been a struggle, and we
21 want to just say on the record that we have no objection to
22 any of the commitments that Kevin and Eileen just listed
23 moving into the To Be Maintained category. That's fine from
24 our perspective.

25 Now to the challenges. As Your Honor knows, we

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1 now find ourselves 12 years into this endeavor to make
2 Michigan's foster care system safer for kids, and I cannot
3 overstate plaintiff's frustration in learning that while
4 there have been improvements, the state is still struggling
5 to perform some very basic safety functions and to protect
6 children from maltreatment while in foster care, and I would
7 like to touch on just a few of those challenges that are of
8 particular concern to us, if I may.

9 First, we note the monitoring team's finding
10 that DHHS failed to meet the MISEP outcome regarding
11 maltreatment by a rather large margin. DHHS, they reported,
12 would have needed to prevent 120 instances of maltreatment
13 to actually meet that standard. We also note, however, as
14 Kevin said, that due to multiple -- I'm sorry, it may have
15 been Eileen, that this number couldn't be verified, and to
16 my recollection this isn't the first time that this number
17 has not been able to be verified. And Your Honor, this is
18 just bedrock stuff from plaintiff's perspective. The state
19 has got to be able to count how many children are being
20 abused and neglected while in state custody.

21 We know that the state and the monitoring team
22 are working diligently to get to the bottom of those issues,
23 and so we will continue to watch there, but plaintiffs are
24 certainly frustrated, as I think everyone probably is, but
25 the data issues continue to plague a very basic question for

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1 the system.

2 Second, I just wanted to briefly address the
3 safety of relative home placements. So as Your Honor knows,
4 just for context, the MISEP used to require that relative
5 homes be licensed or get a waiver. After the Sixth
6 Circuit's decision in D.O. v. Glisson, the revised MISEP
7 switched focus from licensing those foster homes, to making
8 sure that they are safe, so requiring DHHS to take certain
9 steps to ensure that those approved placements are safe.
10 These steps include visiting the home, criminal background
11 and registry check, and then doing that home study within 30
12 days. Simply put, Your Honor, performance in this area is
13 very troubling to plaintiffs, and we believe it's a real
14 hole in the safety net. The monitoring team's review found
15 performance on all of those measures at around 50 percent.

16 There's just one area that scares us in
17 particular that I want to flag, which is DHHS policy
18 requires that all household members 12 and up be run through
19 the Michigan Public Sex Offender Registry, for obvious
20 reasons, so a new member of a household where a child is
21 staying needs to be, have that sex offender registry
22 background check done. The monitoring team reviewed 62
23 unlicensed relative placements, and found that that critical
24 safety check was only fully performed in six of those 62
25 placements, so that's 9 percent. That is unacceptable

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1 performance to plaintiffs, and we believe places kids in
2 those homes at risk.

3 Finally, DHHS' contract oversight and licensing
4 unit continues to struggle to safely oversee the network of
5 private child caring institutions and placing agencies that
6 care for foster children in Michigan. Particularly
7 troubling, and as we know with tragic results, is the
8 state's oversight of the CCIs or the group home facilities.
9 Just briefly, the monitoring team's review of the state's
10 oversight of these facilities found multiple instances of
11 improper restraint, inappropriate sexual conduct between
12 staff members and youth, street fighting at the facility
13 between youth, and other unsafe conditions.

14 The report notes instances of improper followup
15 by DCLW as well as numerous failures to report incidents to
16 CPS for investigation. We know that a lot of work is being
17 done in this area right now, Your Honor, but we do struggle
18 to understand why so many years into this work the
19 department continues to allow children in these settings to
20 be placed in harm's way. It concerns us.

21 To be very clear, though, plaintiffs are
22 confident in the current administration's ability to right
23 this ship, we are, but we also can't pretend that we don't
24 stand here holding in our hands a report that tells the
25 story of a child who lost his life as a direct result of

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1 these failures of oversight.

2 Just briefly, to name and honor him, Cornelius
3 Frederick, 16-year-old youth, was killed at Lakeside
4 Academy, a CCI owned by Sequel Youth and Family Services in
5 April of 2020. Video of the incident shows Cornelius being
6 improperly restrained by two adult staff members for a
7 period of 12 minutes. During that time, he was witnessed
8 struggling for breath and motionless, and he tragically died
9 two days later. Both the DHHS investigation and the
10 monitor's report detail a history of repeated violations at
11 Lakeside, and ineffective oversight by DHHS, including a
12 shocking 73 investigations into child abuse or neglect at
13 the facility in the two years prior to Cornelius's death.

14 To date -- and we know we're talking about the
15 period after this monitoring report, but to date, we know
16 that DHHS has taken a number of steps to immediately address
17 the glaring safety concerns laid bare by this tragedy,
18 including multiple corrective actions with respect to
19 particular MISEP provisions, with the assistance of the
20 monitoring team. Plaintiffs will continue to very closely
21 monitor the state's progress in this area to track the
22 progress of those corrective action plans, and to determine
23 whether any further action is needed to ensure that class
24 members are kept safe.

25 Again, we do appreciate the state's transparency

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1 as they do this very difficult work, and the diligence of
2 the monitoring team. We do look forward to continuing to
3 engage with all the parties and Your Honor to work towards a
4 safer system for Michigan's children.

5 Thank you so much for your time.

6 THE COURT: Thank you, Ms. Gretter. Ms.
7 Drysdale or Mr. Giovanatti.

8 MS. DRYSDALE-CROWN: Thank you very much, Your
9 Honor. If the Court permits, I would like to introduce
10 Director Gordon and Executive Director Ms. Chang to provide
11 some testimony, as well, regarding this reporting period.

12 THE COURT: That's fine. We will start with
13 Director Gordon.

14 MR. GORDON: Good morning, Your Honor, and good
15 morning everyone.

16 THE COURT: Good morning.

17 MR. GORDON: I'm pleased to have the opportunity
18 to present about the state's progress in this reporting
19 period, and progress -- as well as progress that has
20 continued since this reporting period.

21 At the outset, I want to note this reporting
22 period represents only the first six months of JooYeun
23 Chang's tenure as the Children's Services Administration's
24 executive director. Michigan is fortunate to have Director
25 Chang in this leadership role, and I should add we're

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1 equally fortunate to have a passionate and deeply dedicated
2 senior staff who have toiled on behalf of Michigan's youth.

3 THE COURT: Let me just interrupt you for a
4 moment, Mr. Gordon, in saying that my information from
5 Mr. Ryan and Ms. Crummy confirms what you've just said, that
6 this team that you have assembled is passionate, hard
7 working and really devoted to moving this case forward in a
8 way that no prior team has been, and that's good news for
9 the children and for everyone in the State of Michigan. So
10 thank you, and thank you, Ms. Chang.

11 MR. GORDON: Thank you, Judge. We're very
12 grateful for that.

13 We agree with the court monitor's assessment
14 that this was a period of modest but important progress. If
15 you look at the number of performance standards or the share
16 of performance standards that the state met compared to the
17 last reporting period where this judgment was made, the
18 share increased. Was it enough? No. Was it meaningful
19 improvement? Yes.

20 This has been a period when CSA has focused on
21 putting in place structural changes that will pay off in
22 improvements over time. So for example, Director Chang led
23 the creation of a continuous quality improvement process
24 throughout the agency. The new team established a child
25 stack system modeled upon systems that work elsewhere, where

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1 leaders across the agency review local numbers in detail to
2 identify both gains and needs. I've had the privilege to
3 sit in on these sessions, and I believe if you did, you
4 would find them impressively detailed and evidence-based.

13 We recognize that there is much more we need to
14 do to improve the lives of children in foster care and to
15 meet commitments in the modified ISEP. An area of interest
16 to the Court and to us has been improving our use of
17 technology. Since in our last -- my first hearing with you,
18 there was a report prepared during the last administration
19 about the terrible problems with the MiSACWIS system, and
20 those problems continue to drive data challenges we have,
21 including some of the data challenges that the plaintiffs
22 are troubled by. We're working as best we possibly can to
23 replace MiSACWIS. Unfortunately, the work on replacement
24 was delayed due to budget challenges created by COVID-19.
25 That was something none of us could predict, and, in a

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1 moment of intense emergency, something we had to accept.
2 Nonetheless, we released an RFP for the first module of the
3 new CIWIS(phonetic)system in December 2019, and we are now
4 days away from rewarding the contract and thus being able to
5 begin work on the new system. We expect the first module
6 will be completed by the end of 2021, and that the full
7 transition from MiSACWIS to CIWIS(ph.) will occur over the
8 next three to five years.

9 I want to speak to two other issues that have
10 been raised before turning it over to Director Chang. First
11 is COVID. COVID forced us to change the way that we work,
12 and the team responded with courage and creativity. Staff
13 continue to address urgent child protective needs, even at
14 personal risk to themselves, and we found ways to stay in
15 touch with children in need, reaching out by phone to more
16 than 13,000 families.

17 Next, I want to speak to the tragic death of a
18 young man, Cornelius Frederick, tragic and unnecessary, at a
19 Michigan child caring institution on May 1st. First, I
20 want to say, on behalf of Department Director Chang, myself
21 and our staff, all of us were as horrified as anyone on this
22 call by what happened in that case, and all of us work with
23 great passion to try to serve every child in Michigan, and I
24 will say, with respect to the comments of the plaintiffs, I
25 hope that that is not lost here.

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12 These are all individual steps on a long path of
13 ensuring that young people in residential services are
14 treated with the same compassion and care that we want for
15 our own children.

16 So we are on a path, we are making progress, and
17 I look forward to continuing that progress together with
18 Director Chang and the whole team at CSA. And with that,
19 let me turn it over to her.

20 Thank you, Judge.

21 THE COURT: Thank you, Mr. Gordon. Ms. Chang.

22 MS. CHANG: Good morning, Your Honor. My name
23 is JooYeun Chang, and I appreciate the chance to provide you
24 with a progress report.

25 I also just want to begin by thanking Kevin and

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1 Eileen and the entire monitoring team for their support and
2 partnership and encouragement, quite frankly, during some
3 really tough times.

4 I've learned a great deal in the short time that
5 I've served as executive director of Michigan's Child
6 Welfare System. Thank you for acknowledging the amazing
7 leadership team that CSA has. But I've also had the great
8 honor to meet extraordinary frontline staff who selflessly
9 and mostly behind the scenes quietly serve our children and
10 families, mostly because they believe in their capacity for
11 healing and strength, and they do so with a personal
12 conviction and commitment that simply can't be taught in a
13 training class.

14 I've also met birth parents who have overcome
15 incredible obstacles to get their children back and then
16 made it their mission to serve and support other parents
17 involved in our system, and I've met generous foster parents
18 and relative caregivers who love the children in their care
19 as if they were their own yet do all they can to support
20 family reunification.

21 It is these inspiring stories that helped me
22 navigate one of the most challenging incidents in my career,
23 the death of Cornelius Frederick. Cornelius was a
24 16-year-old boy who was entrusted to our care at age 12, and
25 who spent the last four years of his life in an institution.

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1 He died at the hands of Lakeside staff who were supposed to
2 care for and protect him.

3 After this tragedy, DHHS asked national experts
4 including the Annie E. Casey Foundation, Casey Family
5 Programs and the Belding(ph.) Burgess Initiative to conduct
6 a rapid safety assessment of our current system. The
7 groups' recommendations included ending the use of large
8 scale institutional care for placement and the elimination
9 of dangerous seclusion and restraints. They also
10 recommended that CSA improve our oversight of the safety and
11 quality of care provided by child caring institutions across
12 the state. In mid July, Director Gordon issued rules
13 restricting the use of dangerous restraints, but we know we
14 can't stop there. Placement in a child caring institution
15 should be the last resort, and only used when intervention
16 cannot be delivered in a less restrictive setting like a
17 family home.

18 Our licensing unit has made significant changes
19 and will continue to strengthen its ability to monitor
20 residential providers to ensure safety, and our program
21 offices will work with the community to ensure that
22 family-based care is available for all children.

23 I'd like to shift gears and highlight areas of
24 the modified ISEP where I believe we are making progress and
25 that demonstrate our commitment to improving critical child

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1 safety outcomes.

2 First, safety for all children in the plaintiff
3 class who are in the foster care system. As we mentioned at
4 the last hearing, CSA established the Placement
5 Collaboration Unit to ensure that there is appropriate
6 follow-up any time concerns are raised about a child in the
7 foster care system. We are pleased that the monitor's
8 report found that the placement collaboration unit
9 appropriately reviewed and assessed screening decisions on
10 plaintiff class children over 98 percent of the time.

11 MDHHS has also implemented, as Director Gordon
12 said, a Michigan-specific data analytics and case review
13 process that's called ChildStat which we borrowed from other
14 high performing child welfare agencies. We've conducted
15 over 51 individual ChildStat sessions, and through this
16 process we've identified systemic practice and quality
17 assurance opportunities to improve safety for children in
18 care. While MMT identified important data quality issues
19 that we are working to address, we believe our MIC rates
20 have dropped and improvements will show in the data in the
21 next reporting period.

22 And then finally, safety with relatives. We
23 believe that children do best when they are placed with
24 family members who they know and trust, and it's our
25 responsibility to ensure that those placements are safe and

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1 that relatives have access to the services and support they
2 need to meet the child's needs.

3 In the six-month period since the modified ISEP,
4 the state has made modest improvements to identify and
5 address safety concerns before we place a child in a
6 family's care, and we are committed to working with our
7 local offices and our private agency partners to improve the
8 resolution and documentation of all safety issues, both at
9 the time a child is placed, and to ensure that annual safety
10 checks are completed in a timely manner.

11 I also want to talk about our efforts to ensure
12 that investigations are processed in a timely manner. Soon
13 after I joined the department in May of 2019, it came to our
14 attention that there was a backlog of over 1,300 CPS
15 investigations that had not been submitted timely by the
16 worker to their supervisor. We took immediate action by
17 sending central office staff into the field, we reviewed
18 policy to eliminate those that were redundant or outdated,
19 and we held weekly leadership calls with all counties with
20 more than five overdue investigations to problem solve with
21 them in real time. We were able to eliminate that backlog
22 within four months, and have consistently had less than two
23 percent of our investigations past due for submission for
24 supervisory review.

25 And then finally, I'd like to quickly share with

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1 you our efforts to make system-level changes that will help
2 us prevent maltreatment in the first instance, and keep
3 plaintiff class children safe.

4 As Director Gordon noted earlier, the CSA
5 leadership team has focused the last year not only on
6 achieving the improvements in the modified ISEP, but really
7 have invested in a system-level transformation that we
8 believe is necessary to create sustained improvements not
9 only for plaintiff class children but all Michigan's
10 children who are at risk of abuse and neglect and come to
11 our attention.

12 We are working to move our child welfare system
13 upstream, investing in early intervention activities, and
14 our goal is to ensure that the first call to the hotline is
15 the last. Far too many of our families encounter our system
16 multiple times because our system has been designed to
17 intervene after crisis occurs rather than at the first
18 warning signs of family distress.

19 We partnered with Chapin Hall at University of
20 Chicago to understand who is at risk of entering foster care
21 and what drives them into our system. Our goal was to use
22 this data to target populations and create prevention
23 interventions in the fall of 2021 as part of our
24 implementation of the Family First Prevention Services Act.
25 However, the precipitous drop in calls to our hotline during

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1 the start of the pandemic required us to push up our
2 timeline and use this information to serve families who we
3 knew were at risk but were simply invisible to us.

4 On March 10 of this year, Governor Whitmer
5 issued an executive order requiring residents of Michigan to
6 stay at home to reduce the spread of COVID. Almost
7 overnight, we saw a 50 percent drop in the calls to the
8 hotline. We immediately trained over 500 child welfare
9 staff to contact at-risk families, and through this outreach
10 effort, we contacted over 8,200 families and provided
11 service referrals, support and information to address their
12 needs. This activity was repeated again at the end of this
13 summer, resulting in an additional 5,300 family contacts.

14 But we know there is much more to do, and we
15 will persist in our efforts to transform our system until we
16 are able to address safety needs before family problems
17 become crises, and we will invest in evidence-informed
18 programs to support the children who need the temporary
19 protection that foster care provides.

20 Thank you so much.

21 THE COURT: Thank you, Ms. Chang.

22 Well, this has been a time that -- the last half
23 of 2019 reflects a time of real progress, and kind of the
24 underlining of real deficits that still need to be
25 addressed.

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1 When I met with the mediators before this
2 hearing I had a couple of questions for them, and I'll relay
3 their answer. My main question was, why are we still seeing
4 these deficits in the reporting and correction of
5 maltreatment in care and child permanency, oversight
6 generally? What's the cause of the -- not what's the cause
7 of the maltreatment, what's the cause of our inability to
8 get a handle on it? And they said that's the \$64,000
9 question. And it's a question that I think Director Gordon,
10 Deputy Director Chang know very well and are very focused
11 on, and I'm hoping that in this next period we begin to
12 address that in a, not in a more meaningful way because I
13 think it's been addressed in a meaningful way, but in a more
14 productive way so that we can get those numbers closer to
15 where we want them to be.

16 Overall, I understand the plaintiff's
17 frustration. You don't want to see one child who is denied
18 placement and permanency, you don't want to see one child
19 injured or traumatized, you certainly don't want to see a
20 child die, and that had to have been terribly traumatic for
21 everyone involved in that incident, and in the monitoring of
22 the foster care system and in the progress that's been made.

23 So I commend the state, Deputy Director Chang,
24 Director Gordon. I share the frustration of the plaintiffs.
25 It's been 12 years that I've been working on this, I guess

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1 12 years for Mr. Ryan and Ms. Crummy. Ms. Bartosz, too, has
2 been in here for about 12 years. And I'm going to retire
3 pretty soon, so I'd like, before I retire, to have this
4 wrapped up, if possible. I'm not pushing to get it done
5 more quickly, I'm just saying let's continue on the great
6 progress that's being made, always with an eye to knowing we
7 can do better, and must, for the benefit of the children in
8 the system.

9 Unless you have questions for me or for each
10 other, I think we can adjourn.

11 MS. GRETTER: Nothing from plaintiffs, Your
12 Honor.

13 MS. DRYSDALE-CROWN: Thank you, Your Honor.

14 THE COURT: Okay. Thank you all.

15 Do we have any sense of when the next reporting
16 will be, Mr. Ryan?

17 MR. RYAN: Eileen, will that be springtime?
18 You're on mute, Eileen. The brains of the operation cannot
19 be on mute.

20 MS. CRUMMY: We hope we'll be able to issue the
21 next report in the spring.

22 THE COURT: I look forward to seeing you then.
23 Maybe we can see each other in person.

24 MR. RYAN: Yes.

25 MS. CRUMMY: That would be wonderful.

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1 THE COURT: Thank you all again.

2 (Proceedings concluded at 11:20 a.m.)

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6 C E R T I F I C A T I O N

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8 I, Suzanne Jacques, Official Court Reporter for the United
9 States District Court, Eastern District of Michigan, Southern
10 Division, hereby certify that the foregoing is a correct
11 transcript of the proceedings in the above-entitled cause on the
12 date set forth.

13

14

15 s/Suzanne Jacques Suzanne Jacques, RPR, RMR, CRR, FCRR
16 Official Court Reporter
17 Eastern District of Michigan

18 12/7/2020
19 Date

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